

REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

By the present amendment, claims 1, 16 and 17 have been amended to yet more clearly define the invention. Claim 17 has also been amended to correct formal errors therein.

Based on the foregoing amendments and the following remarks the application is deemed to be in condition for allowance and action to that end is respectfully requested.

The Examiner rejected claims 1-11 and 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Kleine, European patent EP0304002 (Kleine '002). It is respectfully submitted that claims 1-11 and 13-20 are patentable over Kleine '002.

Specifically, claim 1 recites:

- (i) at least two, axially spaced, guide regions (1a, 1b) and at least one radially projecting entrain strip (2) and at least one locking groove (3) arranged between the at least two guide regions (1a, 1b); and

- (ii) that the at least one locking groove is adapted to receive at least one radially displaceable and axially displaceable locking member (4) of a chuck.

It is respectfully submitted that Kleine '002 does not disclose the novel features of the present invention discussed above. In Kleine '002, the entrain strip (16) and the locking groove (18) are arranged on one side, leftwards, of the guide region (11). The portion (13) of the shank on the right side of the strip (16) and the locking groove (18) does not and cannot form a guide region as its diameter is smaller than the diameter of the guide region (11) (please see Fig. 3).

Further, the locking groove (18) does not provide for axial displacement of the locking member (49) (Fig. 7). Kleine '002 specifically discloses that "The grooves 18 in the entrain surfaces 16 have, at their end remote from the cutter 15, an indentation 21 in order to prevent (emphasis added) axial displacement (Fig. 3)." (Column 6, lines 32-36.) Accordingly, the shank of Kleine '002 is not suitable for a rotary and/or percussive tool.

A rejection based on U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the Claim. Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766, 1767-68 (Fed.

Cir. 1987); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation . . . [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

Kleine ‘002 does not disclose a shank as claimed. Since Kleine ‘002 fails to disclose each and every feature of independent Claim 1, Kleine ‘002, as a matter of law, does not anticipate the present invention, as defined by said independent claim.

In view of the above, it is respectfully submitted that Kleine ‘002 does not anticipate or make obvious the present invention as defined in Claim 1, and the present invention is patentable over Kleine ‘002.

Claims 2-11, 13-15, and 18-20 depend on claim 1 and are respectfully submitted to be also allowable.

Claims 16 and 17, which relate to a tool set including two tools with different shanks and an associated chuck rely for their patentability on substantially

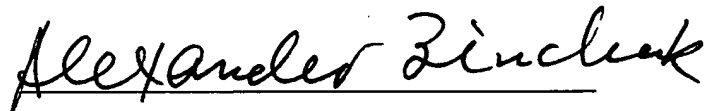
the same novel features as claim 1 and are allowable for the same reasons claim 1 is allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



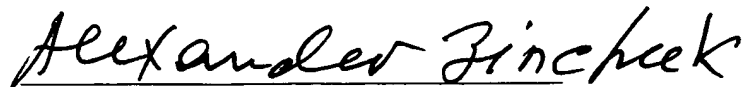
Alexander Zinchuk, Reg. No. 30,541

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Abelman, Frayne & Schwab
666 Third Avenue, 10th Floor
New York, NY 10017-5621

212-885-9386

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Alexander Zinchuk